

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, September 19, 2007

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, September 19, 2007, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Pons called the meeting to order and welcomed new Commissioner Judy Knudson who is replacing Jesse Young who has moved out of the City of Williamsburg. Present in addition to Mr. Pons and Mrs. Knudson were Commissioners Kafes, Joseph, McBeth, Hertzler and Driscoll. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, Zoning Administrator Rhodes, Deputy City Attorney Workman and Secretary Scott.

MINUTES

Mr. Hertzler moved that the minutes of the August 15, 2007 meeting be approved as submitted. Mrs. McBeth seconded the motion.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Joseph, Driscoll, Hertzler, Knudson

Nay: None

Absent: None

CONSENT AGENDA

There were no cases on the Consent Agenda this month.

PUBLIC HEARINGS

PCR #07-029: Request of McCale Development Corporation to rezone approximately 6.8 acres at 200 Brookwood Drive from LB-4 Limited Business Corridor District to RM-1 Multifamily Dwelling District. The applicant proposes this rezoning "to permit development of a duplex/townhome project comparable to the adjacent Carriage Homes." The Commission deferred action on this rezoning request until the October meeting by a vote of 7-0.

Mr. Nester reviewed the rezoning request noting that the 2006 Comprehensive Plan designates the site for Office Land Use. However, the applicant, McCale Development Corporation, believes the Riverside project will eliminate the demand for office space at this location for the foreseeable future and proposes the rezoning to enable site development as multifamily residential.

Mr. Nester stated that the 1989 Comprehensive Plan was the first City plan to address this property since it was annexed into the City in 1984. At this time it was designated as Medium Density Residential (6-8 dwelling units/net acre), as was the property that was developed as Holly Hills Carriage Homes. In 1997 McCale Development

Corporation proposed an amendment to the Comprehensive Plan to change the land use for this property to Office Land Use and requested a zoning change to LBR Limited Business/Residential District. The LBR District allows single family and duplex dwellings by right and multifamily and townhouse dwellings with a Special Use Permit. Both changes were approved by City Council.

In the 1998 Comprehensive Plan the property remained Office Land Use designation and, as part of the Comprehensive Plan implementation process, was rezoned to LB-4, Limited Business Corridor District, which does not allow residential uses.

McCale Development Corporation is proposing rezoning from LB-4 to RM-1 Multifamily Dwelling District which allows such uses as single-family detached dwellings, duplexes, and townhouses at a density of 8 units per net acre. Uses such as multifamily dwellings, churches, day care centers and schools are allowed with a special use permit. The area proposed for rezoning would allow up to 38 dwelling units to be built on the property.

Mr. Nester noted that the City's Economic Development Plan, adopted in 2006, states that "Williamsburg has very little commercial office product and no class A office space into which businesses can locate immediately," and that "Development pressure to build housing product instead of commercial product threatens the land zoned for commercial use in the City." Because of the City's small physical size of nine square miles, it is important to preserve appropriately located property for future office, commercial and economic development uses.

In conclusion, Mr. Nester stated concerns have been expressed that the existing Holly Hills Carriage Homes neighborhood does not have a sidewalk connection to the rest of the City. Adding up to 38 new dwelling units would exacerbate this deficiency, which is much less of an issue with an office development than it is with a residential development.

Chairman Pons opened the public hearing.

Vernon Geddy with Geddy Harris, Franck and Hickman, LLP, representing McCale Development Corporation, said the applicant Hatcher Cale and the engineer Steve Romeo with LandMark Design Group, are also present today to respond to any questions regarding the proposed rezoning. He said the plan had been for an office complex with twice the traffic generated by a residential development, however the proposed rezoning to RM-1 is also appropriate for this small, isolated piece of property already surrounded with residential usage. Mr. Cale has found that there is no interest in office space at this site; it is not a viable location. The planned multifamily project would be comparable in style and quality to the adjacent Holly Hills Carriage Homes with no more than 20 units, none smaller than the smallest unit at the existing Homes. They would install attractive landscaping as well as having the 75' buffer along Rt. 199. He also said the applicant would be willing to consider a proffer for a crosswalk across Rt. 199 to Old Jamestown Road.

Mr. Kafes asked about the traffic generated by the office complex versus residential and Mr. Geddy responded estimates for the office complex would be 440 trips per day versus 210 trips per day with residential. Mr. Kafes suggested assessed value for the 20 residential units would be lower than an office complex, but Mr. Geddy said that prices for the homes would begin at \$350,000 - \$400,000 and assessed value would be higher with the residential use.

Mrs. McBeth expressed concern that there is no actual project or proffers currently being proposed, so these factors cannot be considered in the Commission's decision today. Mr. Geddy said the applicant would be willing to submit proffers.

Mr. Hertzler asked that if a more economically feasible project than an office complex were proposed, could the applicant work with the community to solve the problem of connectivity with the main part of the City. Mr. Geddy noted that VDOT states there is not enough room for a sidewalk and won't allow its construction. He suggested a crosswalk would make a difference and the applicant would be willing to pay for it.

Rosie Takesian, 20 The Palisades, said although he lives in Port Anne, his daughter and son-in-law live in the Holly Hills Carriage Homes and it is an insult to the community not to have a path out of the development. There needs to be a rear exit so handicapped residents would have a shorter route into town as well as giving other residents an opportunity to walk. He said he has talked with City Manager Tuttle who said sidewalks along Rt. 199 are a VDOT issue. Mr. Takesian expressed disappointment with adjacent communities who do have pedestrian access out of their development, but don't want anyone else walking through their property.

Pamela Legere, 173 Exmoor Court, President of the Holly Hills Carriage Homeowners Association, stated that Homeowners **Rod Cash**, 176 Exmoor Court and **Jan Reczkiewicz**, 101 Brockton Court were also present in support of the proposed rezoning. She said Mr. Cale met with members of the Association on September 11 and it was specified the proposed project would consist of no more than 20 units and they would be comparable to those existing units at Holly Hills Carriage Homes. She added that Mr. Cale offered to pay the cost of new aeration in the BMP, and regarding sidewalks, he said he is willing to explore all options. Mrs. Legere asked that those homeowners present in support of the rezoning stand and then those in opposition; the majority were in support of the rezoning. Mr. Cash affirmed Mrs. Legere's comments and added that it was good to meet with Mr. Cale. Consensus of the Association was to support the project if the plans as outlined. He reiterated the need for good communication.

Pat Ewell, 224 Brookwood Drive said she lives across from the site and she would like to see the carriage homes constructed. She added that she has been fighting for a sidewalk to Jamestown Road and asked if Mr. Cale can give a guarantee that he will install either a sidewalk or a crosswalk. Rt. 199 is not like a regular highway; it is not a limited highway, but VDOT states there is not room for sidewalks. She concluded her

comments by suggesting the City use the right of eminent domain so that residents can walk or ride a bike out of the neighborhood. She added that even with a pedestrian light it is still dangerous to cross.

Mr. Geddy stated that they will gladly put proffers together and return in a month for a decision from the Commission.

David Olson, 104 Exmoor Court, said he has been in the development since the beginning and although Mr. Cale said there would be no more than 20 units, 38 or more condos could be built at the site due to the allowed density. Mr. Olson said he would support 20 units, but suggested required additional parking spaces for visitors.

There being no additional comment the public hearing was closed.

Chairman Pons called for Commission discussion.

Mr. Hertzler noted the City's Economic Development Plan and the fact that there is very little designated office land use property. He said he agrees this is not class A office space, for one thing it is land-locked with residential usage surrounding it; it makes sense for the site to be residential as well. Mr. Hertzler added that if the site is rezoned he strongly feels we need to take care of the pedestrian access and crossing issue.

Mr. Pons suggested the Commission defer further discussion until proffers for the project are submitted. Mr. Nester confirmed that if the rezoning is deferred, there would not be another public hearing and the request would be on the agenda as Old Business.

Mr. Joseph stated that the rezoning request should not be connected with the sidewalk or crosswalk issue.

Mrs. McBeth moved that further action on the request for rezoning be deferred for discussion at the next meeting.

Mr. Driscoll said he agrees with the need for access out of the neighborhood and it seems more consistent with the existing neighborhood to have residential development at this site.

Mr. Kafes seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Joseph, Driscoll, Hertzler, Knudson
Nay: None
Absent: None

PCR #07-030: Amendment of the Zoning Ordinance to update the references to the State Code for advertisement requirements for Special Use Permits (Sec. 21-45) and Amendments (Secs. 21-62 and 21-63), and to extend the Planning

Commission reporting period for Special Use Permits and Amendments from 90 days to 100 days (Secs. 21-45 and 21-62). The Commission recommended approval of the amendment by a vote of 7-0.

PCR #07-031: Amendment of the Zoning Ordinance to update the references to the State Code for advertisement requirements for the Board of Zoning Appeals [variances, appeals, interpretations and special exceptions – Secs. 21-97(b)(3), (c), (d), and (f)(4)], and to update the reference to the State Code definition of variance [Sec. 21-97(b)]. The Commission recommended approval of the amendment by a vote of 7-0.

Mr. Nester stated that recodification of the State Code has made Zoning Ordinance references to State Code advertising requirements incorrect for Special Use Permits, Zoning Ordinance Amendments and Board of Zoning Appeals cases. He added that the recodification also allows the time permitted for Planning Commission review of Special Use Permits and Zoning Ordinance Amendments to be increased from 90 days to 100 days, which would give the Commission three meetings to consider a Special Use Permit or Zoning Ordinance Amendment proposal. The proposed ordinances make these housekeeping changes to the Zoning Ordinance.

Chairman Pons opened the public hearing.

There being no comment the public hearing was closed.

Mr. Joseph moved that the Planning Commission recommend to City Council that the changes be made to the Zoning Ordinance.

Mr. Hertzler seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Joseph, Driscoll, Hertzler, Knudson
Nay: None
Absent: None

OPEN FORUM

Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment from the audience the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS -- None

OLD BUSINESS -- None

NEW BUSINESS -- None

OTHER

Appointments to Committees

With the resignation of Jesse Young and addition of Judy Knudson to the Commission, Chairman Pons announced he has appointed Joe Hertzler to replace Mr. Young on the Regional Issues Committee and Judy Knudson to replace Bill Kafes on the Site Plan Review Committee. Mr. Pons added that he would like to recommend Mr. Kafes to City Council to replace Mr. Hertzler on the Architectural Review Board. Mr. Hertzler moved that Mr. Kafes be recommended to City Council to serve on the Architectural Review Board and Mrs. Knudson seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye: Pons, Kafes, McBeth, Joseph, Driscoll, Hertzler, Knudson
Nay: None
Absent: None

Additional Supportive Information

Mr. Kafes noted the significant number of letters the Commission received just prior to the beginning of the meeting and said there was not adequate time to review them. He suggested in such instances the Chairman might call for a brief intermission to allow the review of late arriving letters or emails. Deputy City Attorney Workman said that anything presented to the Planning Commission is made part of the record. Mr. Joseph suggested the late arriving correspondence, as well as the stated position, should be acknowledged in the meeting. Mr. Pons noted it is unusual to receive a big pile of letters or email just prior to the beginning of the meeting and if and when this occurs again we'll deal with it at that point.

Planning Commission Work Session

Mr. Nester reminded the Commission of the next work session on Wednesday, September 26 at 4:00 p.m. at the Municipal Building, 401 Lafayette Street. The topic will be Comprehensive Plan Implementation – New LB-2 District on Richmond Road between Brooks Street and the Williamsburg Shopping Center, and on Penniman Road near the City line.

INFORMATION ITEMS

Report from City Council
Planning Department Monthly Report
Monthly Financial Statement

There being no further business the meeting adjourned at 4:35 p.m.

Douglas Pons, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR OCTOBER 17, 2007 -- None